

CR-12-198-SPH PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 5007 of the Baltimore County Zoning Regulations, to determine whether or not the zoning of the property should be reclassified, pursuant to the Zoning Law of Baltimore County Board of Appeals of Baltimore County.

A use permit for off-street parking in a residential zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) JOHN G. CONNELLY, JR.
Signature [Signature] Signature
Address CHARLES O. CONNELLY, SR.
City and State [Signature]
Attorney for Petitioner: 300 Mace Avenue
JOHN E. SIBREA, 309 Investment Building Phone No.
(Type or Print Name) Baltimore, Maryland 21204
Signature [Signature] City and State
208 W. Pennsylvania Avenue
Address Towson, Maryland 21204
City and State
Attorney's Telephone No.: 828-0010

ORDERED By The Zoning Commissioner of Baltimore County, this day of 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of 1981, at o'clock M.

Zoning Commissioner of Baltimore County.

BALCO-Form 1 (over)

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an R.R. 5.5 zone to an R.R. Q zone, and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for [Signature]

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) JOHN G. CONNELLY, JR.
Signature [Signature] Signature
Address CHARLES O. CONNELLY, SR.
City and State [Signature]
Attorney for Petitioner: 300 Mace Avenue
JOHN E. SIBREA, 309 Investment Building Phone No.
(Type or Print Name) Baltimore, Maryland 21204
Signature [Signature] City and State
208 W. Pennsylvania Avenue
Address Towson, Maryland 21204
City and State
Attorney's Telephone No.: 828-0010

BALCO-Form 1

JOHN G. CONNELLY, JR. * BEFORE THE ZONING
AND CHARLES O. CONNELLY, SR., * COMMISSION OF BALTIMORE CO.
PETITIONERS *

MEMORANDUM IN SUPPORT OF RECLASSIFICATION

Now comes Petitioners, John G. Connelly, Jr., Charles O. Connelly, Sr., and in support of Memorandum for Reclassification cite the following reasons:

1. In classifying the property in October of 1980, said zoning was erroneously classified, in view of the surrounding uses.
2. Substantial changes have occurred and are continuing to occur in the surrounding neighborhood, so as to alter its character of the property, as classified by the Council.
3. That as will be outlined under Section 307, particular difficulty and unreasonable hardships will be cast as a burden upon your Petitioners, unless the desired reclassification is granted.
4. That Petitioners own the adjacent property, which is now zoned for and being used as a funeral home, and therefore, there would be no objection to a reclassification as herein requested.
5. That the site is on Mace Avenue, and since the reclassification, there have been changes in the Essex area near your Petitioners' property.
6. And for other reasons to be assigned at the time of this hearing.

Respectfully submitted,
JOHN E. SIBREA, ATTORNEY FOR
PETITIONERS, 309 INVESTMENT BLDG.
TOWSON, MD. 21204 (828-0010)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John F. Sibrea, Esquire
309 Investment Building
Towson, Maryland 21204

RE: Item No. 21 - Cycle No. II
Petitioner - John G. Connelly, Jr., et al
Reclassification Petition

Dear Mr. Sibrea:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October 1981 - April 1982 reclassification cycle (Cycle II). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 30. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property, located on the west side of Mace Avenue northwest of Townsend Avenue in the 15th Election District, is zoned D.R.5.5 and is improved with a detached dwelling. Similar zoning and uses exist to the north and east, while your client's funeral home abuts this site to the south.

In view of the fact that the submitted site plan does not indicate a proposed development of the subject property, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted, a public hearing and/or Planning Board review and approval would be required prior to development. At that time, more specific comments would be provided.

Item No. 21 - Cycle No. II
John G. Connelly, Jr., et al
Reclassification Petition

If you have any questions concerning the enclosed comments, please feel free to contact me at 828-3391. Notice of the specific hearing date, which will be between March 1 and June 30, 1982, will be forwarded to you in the future.

Very truly yours,

NICHOLAS B. CONYDARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

Enclosures

cc: Corhold, Crook & Pitzel
412 Delaware Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

October 15, 1981

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #21 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: John G. Connelly, Jr., et al
N/WS Mace Ave. 175' E. of Townsend Rd.
Existing Zoning: DR 5.5
Proposed Zoning: R-O
Acres: 0.46 District: 15th

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property comprises parts of Lots 4 and 9, and all of Lot 5, Block E, plat of Back River Highlands, recorded W.P.C. 4, Folios 64 and 65.

Highways:

Mace Avenue, an existing public street, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #21 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: John G. Connelly, Jr., et al
Page 2
October 15, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (storm water or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 10-inch water main and 8-inch public sanitary sewerage in Mace Avenue.

Very truly yours,

WILLIAM A. MCKINLEY, P.E., Chief
Bureau of Public Services

RAM:RAM:FWR: s

cc: Jack Wimbley

I-SW Key Sheet
6 NE 26 & 27 Pos. Sheets
NE 2 G Topo
97 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William T. Hackett, Chairman
 TO County Board of Appeals Date April 22, 1983
 Norman E. Gerber, Secretary
 FROM Baltimore County Planning Board
 Amended Zoning R classification Petition
 SUBJECT Cycle II, Item 21 R-82-198

At its regular meeting on April 21, 1983, the Baltimore County Planning Board reviewed the amended documentation submitted by the petitioner. Please replace the Planning Board comments for this petition, adopted on January 21, 1982, with the following:

The Planning Board believes that the proposed use of the subject property (parking for the existing funeral home) is appropriate. This additional area will enable the petitioner to assemble funeral proceedings on-site, thereby decreasing the traffic congestion on adjacent streets experienced during those times when the facility's needs are greatest. Further, the Board is of the opinion that development of the site as shown on the amended plan would provide for adequate landscaping as a visual buffer between the funeral home operation and the adjacent residential properties; the Board is cognizant of the fact that if this request for zoning reclassification is granted, such zoning would be valid only if the property is used in accordance with the plan (Section 2-58.1(n) of the Baltimore County Code). Additionally, the Planning Board believes that the westernmost rectangular portion of the property shown as an exclusion from the proposed parking area (abutting the rear of the Edna Denker property, S 64°00' E/50.00' by S 26°00' W/40.00') should remain in the D.R. 5.5 zoning classification.

It is recommended that the petitioner's request for R.O. zoning be granted, saving and excepting that portion of property identified in the preceding paragraph. It is the Planning Board's opinion that such action would provide for a community need that was not provided for in this specific instance by the 1980 Comprehensive Zoning Map.

Norman E. Gerber
 Norman E. Gerber, Secretary
 Baltimore County Planning Board

NEG:JGH:slc

cc: John W. Hession, III
 People's Counsel

James E. Dyer
 Zoning Supervisor

John E. Sibree, Esquire
 309 Investment Building
 Towson, Maryland 21204

James G. Hoswell

Tues 4/28/83

By: [Signature] 4/22/83

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Paul Solomon
 TO Date December 29, 1982
 Nicholas B. Commodari
 FROM Environmental Impact Statement
 SUBJECT Cycle II, Item #21

The petitioner for the above-referenced matter has submitted an environmental impact statement to accompany his revised petition for reclassification and special hearing for off-street parking in a residential zone.

Enclosed is a copy of said statement for your review and comments. Please forward your comments to this office by January 7, 1983.

Nicholas B. Commodari
 NICHOLAS B. COMMODARI

NBC:bsc

cc: James G. Hoswell
 Planning Office

Copy

May 25, 1982

John F. Sibree, Esquire
 309 Investment Building
 Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Reclassification
 NW/S of Mace Ave., 175' E of Townsend Road
 John G. Connelly, Jr., et al - Petitioners
 Case #R-82-198 Item #21 Cycle II

TIME: 10:00 A.M.

DATE: Tuesday, June 22, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

William T. Hackett
 William T. Hackett, Chairman
 County Board of Appeals

3/14/83 - Notified above of hearing for FILING OF PLAT ONLY for TUESDAY, MARCH 29, 1983 at 9:30 am

Edith

66.84 is owed on this file.

4/18/82

3/11/83 - NOT PAID

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Plans
 TO Advisory Committee Date December 29, 1982
 Nicholas B. Commodari
 FROM Revised Site Plan
 SUBJECT Reclassification Cycle II - Item 21

Attached is a revised site plan on the above matter. The petitioner is now requesting a reclassification and a special hearing for off-street parking in a residential zone.

Comments are needed by January 7, 1983 in order to assure proper advertising of this petition.

NBC:bsc

cc: James G. Hoswell
 Planning Office

PETITION FOR SPECIAL HEARING IN CONJUNCTION WITH A DOCUMENTED RECLASSIFICATION PETITION

15th Election District

ZONING: Petition for Special Hearing in conjunction with a documented Reclassification Petition
 LOCATION: Northwest side of Mace Avenue, 175 ft. East of the centerline of Townsend Road
 DATE & TIME: Tuesday, June 28, 1983 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:

Petition for Special Hearing in conjunction with a documented Reclassification Petition, under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the County Board of Appeals of Baltimore County, should approve a use permit for off-street parking in a residential zone

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of John G. Connelly, Jr., et al, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, June 28, 1983 at 10:00 A.M.
 Public Hearing: Room 218, Courthouse, Towson, Maryland

BY ORDER OF
 WILLIAM T. HACKETT, CHAIRMAN
 COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

CARL L. GERHOLD
 PHILIP E. CROSS
 JOHN F. ETZEL
 WILLIAM D. ULICH
 GORDON T. LANDSON

GERHOLD, CROSS & ETZEL
 Registered Professional Land Surveyors
 412 DELAWARE AVENUE
 TOWSON, MARYLAND 21204
 823-4470

EMERITUS
 PAUL G. DOLLENSBERG
 FRED H. DOLLENSBERG

October 1, 1982

Environmental Impact Statement
 for John G. Connelly Sons
 Funeral Home Parking Lot Annex

The intention of this study is to accurately disclose the environmental consequences or enhancement due to the development of the proposed parking area annex under the requirements of the proposed R0 Zoning. Because of the small size of the project only localized impacts have been considered. The property is currently zoned DR 5.5 which would allow 5.5 density units per acre or 2 dwelling units.

The proposed parking area will provide offstreet spaces for 30 automobiles. The most significant difference between the existing and proposed zoning lies in the emanations from traffic and paving, however because of the small size of the project and the type of traffic the differences are not significant.

An environmental impact analysis should consider the following:

Air Quality - and the change in concentration of pollutants. The air quality in the local community will not be affected by the parking annex by the fact that the parking area will not generate any additional traffic; it will only provide for offstreet parking.

Water Quality and Quantity must be examined for flooding. The developed site is not prone to flooding and all runoff will not be directed to any adjacent lot owner.

Water Pollution - Pollutants take the form of suspended solids normally referred to as Urban Runoff since a little less than 0.28 of an acre will be paved compared to the paving in the surrounding community. The adverse effect is not measurable.

Water Consumption - No effect.

Wildlife and Vegetation - The site is grass vegetation and undeveloped in an urbanized area. Any wild life that lives on the site can generally be considered pests. Vegetation will be replaced by controlled landscaping along the property lines and street frontage. The whole area could be considered open space.

Noise - The changes in noise levels will be small due to the subdued type of cliential using the parking area. No adverse effects will be perceptible.

Other Natural Disasters - Earthquakes or flooding are not considered probable in this area. Storm water on the parking area will be channeled into a closed county system.

CARL L. GERHOLD
 PHILIP E. CROSS
 JOHN F. ETZEL
 WILLIAM D. ULICH
 GORDON T. LANDSON

GERHOLD, CROSS & ETZEL
 Registered Professional Land Surveyors
 412 DELAWARE AVENUE
 TOWSON, MARYLAND 21204
 823-4470

EMERITUS
 PAUL G. DOLLENSBERG
 FRED H. DOLLENSBERG

August 17, 1981

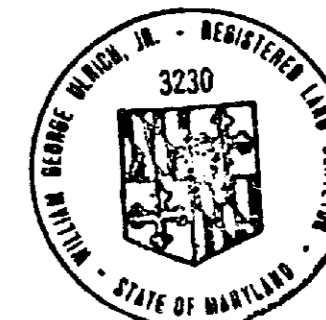
Zoning Description

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the northwest side of Mace Avenue at a point measured northeasterly along the northwest side of Mace Avenue, North 26 degrees 00 minutes East 175 feet from the intersection of the northwest side of Mace Avenue with the centerline of Townsend Road and running thence and binding on the northwest side of Mace Avenue, North 26 degrees 00 minutes East 90.00 feet, thence leaving said Mace Avenue and binding on the outlines of the land of the herein petitioners, the five following courses and distances viz: North 64 degrees 00 minutes West 250.00 feet, South 26 degrees 10 minutes West 40.00 feet, South 64 degrees 00 minutes East 50.00 feet, South 26 degrees 00 minutes West 50.00 feet and South 64 degrees 00 minutes East 200.00 feet to the place of beginning.

Containing 0.46 of an Acre of land more or less.

Being the property of the petitioners herein as described in a deed dated November 3, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6227 folio 500 which was conveyed by Joseph P. Dohler and Theresa E. Cartor to John G. Connelly Sons Funeral Home.



Item 21 - Cycle II

GERHOLD, CROSS & ETZEL
 Registered Professional Land Surveyors
 412 DELAWARE AVENUE
 TOWSON, MARYLAND 21204
 823-4470

(2)

Scarce Resource - Use Redemption - The site is not used for farming or recreation and contains no known minerals.

Maximum Levels of Emanation

Sound - The only significant source contributing to the noise would be the traffic generated by the 30 car lot. The noise effects on personal comfort, oral communication and sleeping would not be intensive. The funeral home is a quiet environment and the operation closed at 9 PM.

Vibrations - Since any additional vibrations would be developed only through additional traffic that is specific to this site, no trucks or commuter traffic, the additional vibrations emanating from the site are inconsequential.

Dust - The only dust particulates in the air would be generated during the construction process which are short term and have no long term effect on the environment.

Odors - Odors emanating from this site would be generated from exhaust fumes of parking lot traffic and are of relatively small consequence and would not be perceptible to the local community.

Gas - No gases other than fuel emissions would be admitted into the local air. Quantities of this type of gas are insignificant compared to the total traffic generation and expended fuel generation of the local community.

Light - The lighting on the proposed parking area will be of the sharp cutoff luminous type mounted on 3 poles and all light will be directed away from residences and only onto the parking area.

Heat - Heat emanating from the proposed site will be produced by the parking lot autoc. The amount of heat emanated to the local community will be insignificant compared to the heat generated by traffic and other buildings in the immediate vicinity.

In reviewing the development of this site and comparing the environmental impact to the existing and proposed zoning it does not take extensive analysis to determine that the impact is insignificant, however if one is to examine positive impact of this project the benefits to the community and county, providing off-street parking, are very consequential and significantly positive.

June 2, 1983

John E. Sibrea, Esquire
208 West Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing in Conjunction with a documented reclassification petition NW/4 of Mace Ave., 175' E of the c/l of Townsend Rd. John G. Connelly, Jr., et al - Petitioners Case No. CR-82-198-SPH Cycle II - Item #21

TIME: 11:00 A.M. *Changed by phone 6/24/83*

DATE: Tuesday, June 28, 1983

PLACE: Room 218, Courthouse, Towson, Maryland

cc: People's Counsel

William T. Hackett
Hackett, Chairman
Board of Appeals

Ham Evans
Connelly
OK
Hession left message
Suder left message
Hackett OK
all notified by check of time

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

July 12, 1983

John E. Sibrea, Esquire
208 W. Pennsylvania Avenue
Towson, Md. 21204

Re: Case No CR-82-198-SPH
John G. Connelly, Jr., et al

Dear Mr. Sibrea:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Asst. Secretary

Encl.

cc: Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerver
Mr. J. G. Hoswell
Board of Education
John W. Hession, III, Esq.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

January 19, 1982

WILLIAM F. HAMMOND
ZONING COMMISSIONER

John F. Sibrea, Esquire
309 Investment Building
Towson, Maryland 21204

RE: Petition for Reclassification
NW/4 of Mace Ave., 175' E of Townsend Road
John G. Connelly, Jr., et al
Cycle 2 - Item #21

Dear Mr. Sibrea:

This is to advise you that \$96.89 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William F. Hammond
WILLIAM F. HAMMOND
ZONING COMMISSIONER

M31mch

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 1/29/82

ACCOUNT 01-662

AMOUNT \$96.89

RECEIVED FROM John G. Connelly Sons

FOR 1st full page add for Item #21, Cycle 2

434 3 4 FEB 1

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

March 8, 1982

WILLIAM F. HAMMOND
ZONING COMMISSIONER

John F. Sibrea, Esquire
309 Investment Building
Towson, Maryland 21204

RE: Petition for Reclassification
NW/4 of Mace Ave., 175' E of Townsend Road
John G. Connelly, Jr., et al - Petitioners
Cycle 2 - Item #21
Case #R-82-198

Dear Mr. Sibrea:

This is to advise that \$52.75 is due for the 2nd full page add of the cycle 2 billing. You have already been billed for the 1st full page add. A third bill for the individual advertising and posting of the above property will be forthcoming. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 106802

DATE 3/16/82

ACCOUNT 01-662

AMOUNT \$52.75

RECEIVED FROM John G. Connelly Sons Funeral Home

FOR 2nd full page add for Case #R-82-198

400 3 2 MAR 10

52.75

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JADION
ZONING COMMISSIONER

October 6, 1982

John E. Sibrea, Esquire
208 West Pennsylvania Avenue
Towson, Maryland 21204

Re: John G. Connelly, Jr., et al - Petitioners
NW/4 Mace Ave., 175' E of Townsend Rd.
Case No. CR-82-198-SPH

Dear Mr. Sibrea:

In researching our records, we find that there are two outstanding bills for advertising and posting that have never been paid. The first bill is in the amount of \$61.84 which covered the individual advertising and posting costs on the Reclassification petition filed in this case. The second bill is in the amount of \$69.75 which covered the advertising and posting costs on the Special Hearing petition in conjunction with the Reclassification petition filed. Please issue a check in the amount of \$131.59 made payable to Baltimore County, Maryland within 10 days of the above date, or the matter will be referred to our Law Office.

Very truly yours,

Arlene E. January
Arlene E. January
Legal Secretary II

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121571

DATE 10/13/83

ACCOUNT R-01-615-000

AMOUNT \$131.59

RECEIVED FROM John G. Connelly Sons Funeral Home

FOR Advertising & Posting Case No. CR-82-198-SPH

6 689*****1315910 8145A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 2, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 2nd day of June, 1983, the 2nd publication appearing on the 2nd day of June, 1983.

THE JEFFERSONIAN,
L. Frank Smith
Manager.

Cost of Advertisement, \$ 69.75

PETITION FOR
SPECIAL HEARING
IN CONJUNCTION WITH
A DOCUMENTED
RECLASSIFICATION PETITION
15th Election District

ZONING: Petition for Special Hearing in conjunction with a documented Reclassification Petition LOCATION: Northwest side of Mace Avenue, 175' E. of the centerline of Townsend Road

DATE & TIME: Tuesday, June 29, 1982 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Petition for Special Hearing in conjunction with a documented Reclassification Petition, under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the County Board of Appeals of Baltimore County should approve a use permit for off-street parking in a residential zone.

All that parcel of land in the 15th Election District of Baltimore County, being the property of the same on the northwest side of Mace Avenue as a point measured northeasterly along the northwest side of Mace Avenue, North 28 degrees 00 minutes East 175 feet from the intersection of the northwest side of Mace Avenue with the centerline of Townsend Road and thence southeasterly along the northwest side of Mace Avenue, North 28 degrees 00 minutes East 90.00 feet, thence bearing said Mace Avenue and binding on the outline of the land of the herein petitioner, the first following courses and distances viz:

North 64 degrees 00 minutes West 250.00 feet, South 28 degrees 00 minutes East 50.00 feet, South 28 degrees 00 minutes West 50.00 feet, South 64 degrees 00 minutes East 50.00 feet to the place of beginning.

Containing 0.46 of an acre of land more or less.

Being the property of U. Connelly, Jr., et al, as shown on a deed dated November 3, 1980 and recorded among the Land Records of Baltimore County in Liber R.E.K. conveyer by Joseph F. Dobler and Theresa E. Carter to John G. Connelly Sons Funeral Home.

Being the property of John G. Connelly, Jr., et al, as shown on a plat plan filed with the Zoning Department.

Hearing Date: Tuesday, June 29, 1982 at 10:00 A.M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order of
WILLIAM F. HAMMOND,
Chairman, County Board of Appeals of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107648

DATE 5/24/82

ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM John F. Sibrea, Esquire

FOR Filing Fee on Case #R-82-198 (Connelly)

6 055*****50010 8245A

VALIDATION OR SIGNATURE OF CASHIER

Petition For
Special Hearing
In Conjunction With
A DOCUMENTED
RECLASSIFICATION PETITION
15th Election District

ZONING: Petition for Special Hearing in conjunction with a documented Reclassification Petition, under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the County Board of Appeals of Baltimore County should approve a use permit for off-street parking in a residential zone.

All that parcel of land in the 15th Election District of Baltimore County, being the property of the same on the northwest side of Mace Avenue as a point measured northeasterly along the northwest side of Mace Avenue, North 28 degrees 00 minutes East 175 feet from the intersection of the northwest side of Mace Avenue with the centerline of Townsend Road and thence southeasterly along the northwest side of Mace Avenue, North 28 degrees 00 minutes East 90.00 feet, thence bearing said Mace Avenue and binding on the outline of the land of the herein petitioner, the first following courses and distances viz:

North 64 degrees 00 minutes West 250.00 feet, South 28 degrees 00 minutes East 50.00 feet, South 28 degrees 00 minutes West 50.00 feet, South 64 degrees 00 minutes East 50.00 feet to the place of beginning.

Containing 0.46 of an acre of land more or less.

Being the property of U. Connelly, Jr., et al, as shown on a deed dated November 3, 1980 and recorded among the Land Records of Baltimore County in Liber R.E.K. conveyer by Joseph F. Dobler and Theresa E. Carter to John G. Connelly Sons Funeral Home.

Being the property of John G. Connelly, Jr., et al, as shown on a plat plan filed with the Zoning Department.

Hearing Date: Tuesday, June 29, 1982 at 10:00 A.M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order of
WILLIAM F. HAMMOND,
Chairman, County Board of Appeals of Baltimore County

Hearing Date: Tuesday, June 29, 1982 at 10:00 A.M.

Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order of
WILLIAM F. HAMMOND,
Chairman, County Board of Appeals of Baltimore County

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Public Hearing: Room 218, Courthouse, Towson, Maryland

By Order of
WILLIAM F. HAMMOND,
Chairman, County Board of Appeals of Baltimore County

The Times

Middle River, Md., June 9, 1983

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 9th day of June, 1983.

Publisher.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117645

DATE 6/14/83

ACCOUNT R-01-615-000

AMOUNT \$100.00

RECEIVED FROM Sibrea & Bloom

FOR \$100.00 Fee for Filing Special Hearing
Petition for John G. Connelly, Jr., et al

6 083*****100010 8155A

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15 Date of Posting 6/15/83

Posted for: Petition for Reclassification

Petitioner: John G. Connelly, Jr., et al

Location of property: NW/4 Mace Ave., 175' E of Townsend Rd.

Location of Signs: front of property, facing Mace Ave.

Remarks: heard 2/1/83

Posted by: heard 2/1/83 Date of return: 6/17/83

Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15 Date of Posting 6/15/83

Posted for: Petition for Reclassification

Petitioner: John G. Connelly, Jr., et al

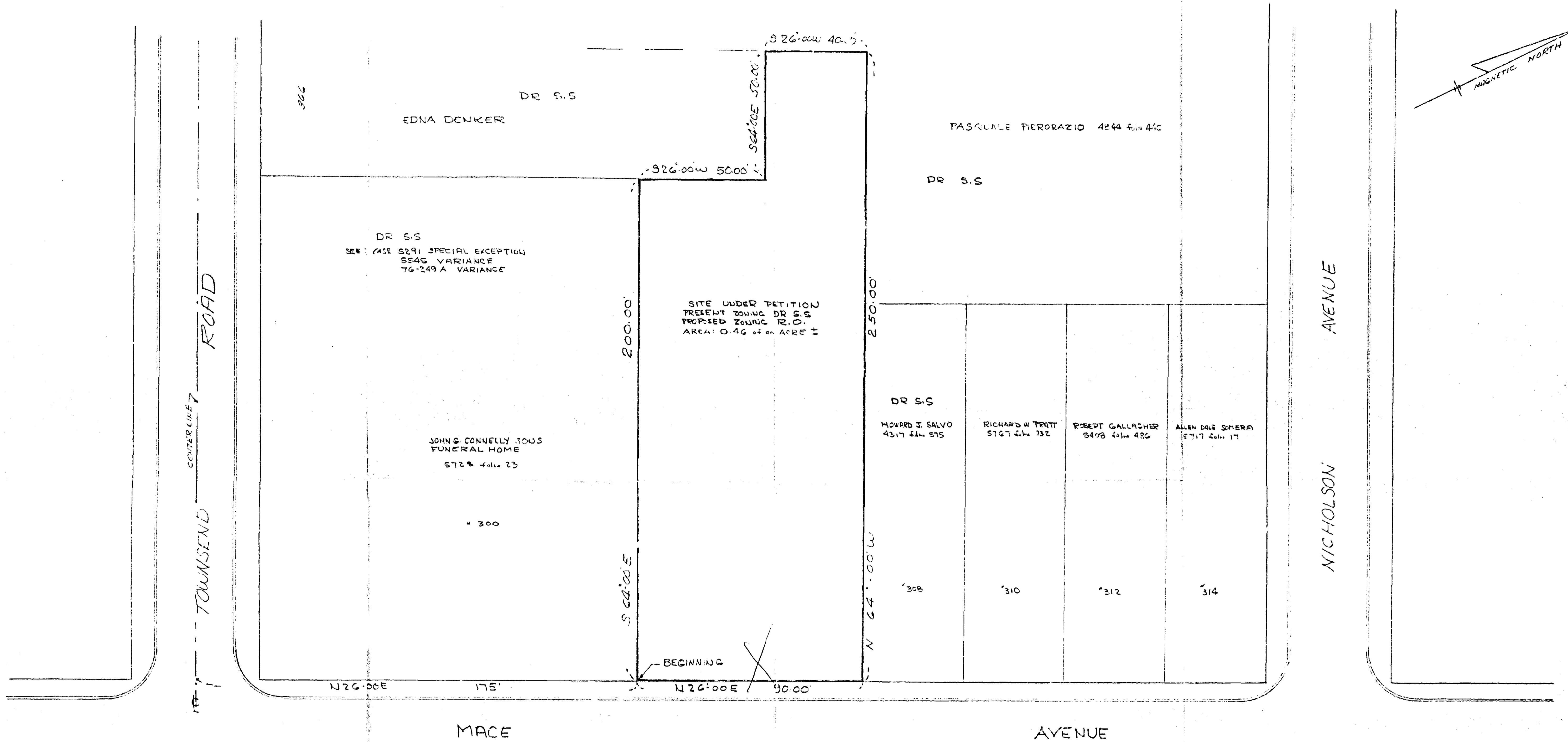
Location of property: NW/4 Mace Ave., 175' E of Townsend Rd.

Location of Signs: front of property, facing Mace Ave.

Remarks: heard 2/1/83

Posted by: heard 2/1/83 Date of return: 6/17/83

Number of Signs: 1



15th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
 6th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

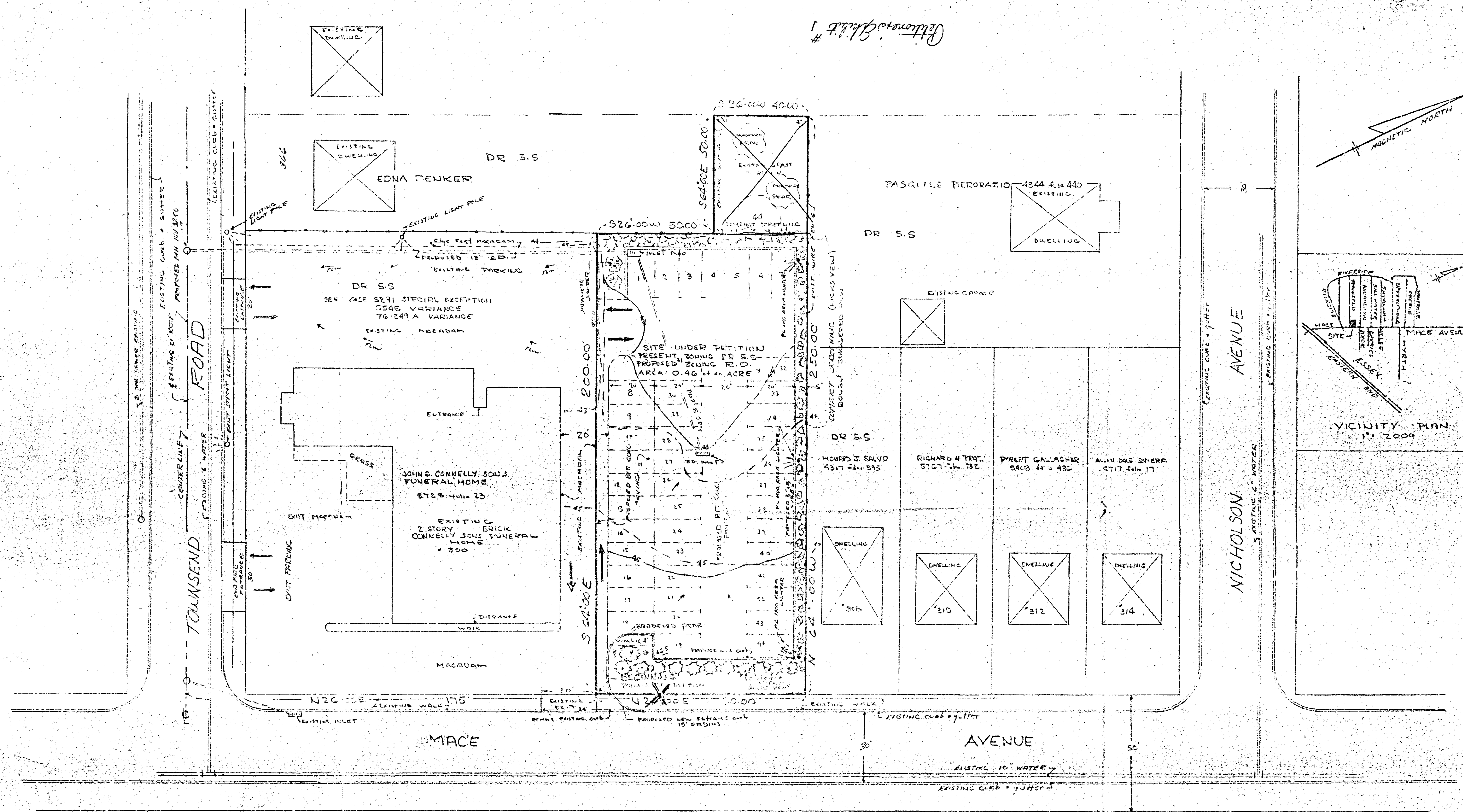


cycle II
 Item #01



SCALE 1"=20' AUGUST 14, 1981
 CERNIGOLD, CROSS & ETZEL
 Registered Land Surveyors
 412 Delaware Avenue
 Towson, Maryland 21204

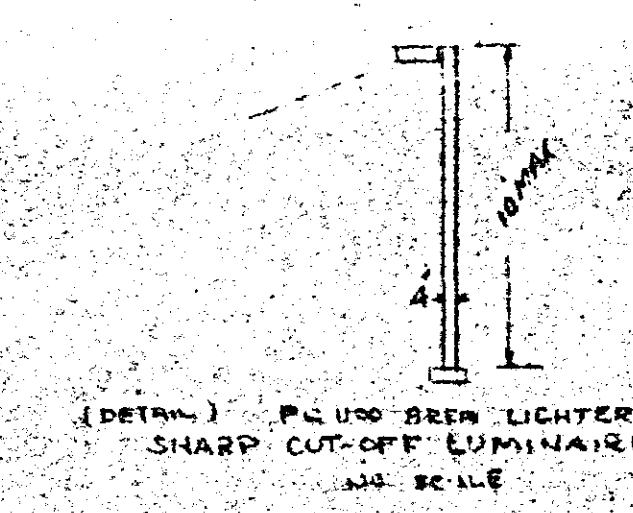
Patterson & Shultz #1



15th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
6th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

FOR THE PURPOSE OF ZONING ONLY
PROPOSED SITE PLAN FOR PARKING ANNEX
AREA OF LOT TO BE ZONED 0.42 AC. ACRES
AREA OF PROPOSED PAVING 0.23 AC. ACRES
HOURS OF OPERATION 9 A.M. TO 10 P.M. (7 DAYS)
NO. OF EMPLOYEES 4
PRESENT ZONING DR S.S.
PROPOSED ZONING R.O.
PRESENT USE VACANT
PROPOSED USE PARKING AREA
PRESENT VEGETATION GRASS
PROPOSED PAVING & LANDSCAPING AS SHOWN
NOTE: SEE ACCOMPANYING ENVIRONMENTAL IMPACT STATEMENT FOR EMANATIONS
NOTE: OFF-STREET PARKING SPACE ACCOMPLISHED (44) 10' X 20'
NO ADVERTISING SIGNS

NOTES: 429.4
b: ONLY PASSENGER VEHICLES, EXCLUDING BUSES MAY USE PARKING AREA
c: NO LOADING SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED
d: LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLASS, AND INTENSITY AS REQUIRED (3 FL 100 AREA LIGHTERS SHOWN) SEE DETAIL
h: PARKING LAYOUT & AREA AS TO BE MAINTAINED BY OWNER (CONNELLY SONS FUNERAL HOME)
HOURS OF OPERATION 9 A.M. TO 9 P.M.



SCALE 1/2" = 20' SEPT 24, 1982

CERISELO, CROSS & ETZEL
Registered Land Surveyors
412 Deane Avenue
Towson, Maryland 21204



**Petition for
Reclassification**
15TH DISTRICT
ZONING: Petition for
Reclassification
LOCATION: Northwest
side of Mace Avenue, 175
ft. East of Townsend Road
DATE & TIME: Tues-
day, June 22, 1982, at 10:00
A.M.

PUBLIC HEARING:
Room 218, Courthouse,
Towson, Maryland
The County Board of
Appeals for Baltimore
County, by authority of
the Baltimore County
Charter will hold a public
hearing:

Present Zoning: D.R. 5.5
Proposed Zoning: R.O.

All that parcel of land in
the Fifteenth District of
Baltimore County.

Beginning for the same
on the northwest side of
Mace Avenue at a point
measured northeasterly
along the northwest side of
Mace Avenue, North 26 de-
grees 00 minutes East: 175
feet from the intersection
of the northwest side of
Mace Avenue with the cen-
terline of Townsend Road
and running thence and
binding on the northwest
side of Mace Avenue,
North 26 degrees 00 min-
utes East 90.00 feet, thence
leaving said Mace Avenue
and binding on the out-
lines of the land of the
herein petitioners, the five
following courses and dis-
tances viz: North 64 de-
grees 00 minutes West
250.00 feet, South 26 de-
grees 00 minutes West
40.00 feet, South 64 de-
grees 00 minutes East
50.00 feet, South 26 de-
grees 00 minutes West
50.00 feet and South 64 de-
grees 00 minutes East
200.00 feet to the place of
beginning.

Containing 0.46 of an
acre of land more or less.

Being the property of
the petitioners herein as
described in a deed dated
November 3, 1980, and re-
corded among the Land
Records of Baltimore
County in Liber E.H.K.Jr.
No. 6227 folio 500 which
was conveyed by Joseph
F. Dohler and Theresa E.
Cartor to John G. Connel-
ly Sons Funeral Home.

Being the property of
John G. Connolly, Jr., et
al, as shown on plat plan
filed with the Zoning De-
partment.

Hearing Date: Tuesday,
June 22, 1982, at 10:00
A.M.

Public Hearing: Room
218, Courthouse, Towson,
Maryland.

BY ORDER OF
William T. Hackett
Chairman
County Board Of Appeals
Of Baltimore County

The Times

Middle River, Md.,

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed
and published in Baltimore County, once in each
of one successive
weeks before the 3rd day of

June, 1982
John D. White Publisher.

Copies

John E. Silvea, Esq.
208 W. Penna Ave.
21204 Petitioner
300 Investment Bldg -
Mond

Hussian
Jablon
Gung
Ayres
Heiser
Hornwell
Arline

82

8

1A

7B

2P

2F

20

**PETITION FOR
RECLASSIFICATION**
15th Election District
ZONING: Petition for Reclassifica-
tion
LOCATION: Northwest side of Mace
Avenue, 175 ft. East of Townsend
Road
DATE & TIME: Tuesday, June 22,
1982 at 10:00 A.M.
PUBLIC HEARING: Room 218,
Courthouse, Towson, Maryland

The County Board of Appeals for
Baltimore County, by authority of
the Baltimore County Charter will
hold a public hearing:

Present Zoning: D.R. 5.5
Proposed Zoning: R.O.

All that parcel of land in the Fif-
teenth District of Baltimore County
Beginning for the same on the
northwest side of Mace Avenue at
a point measured northeasterly
along the northwest side of Mace
Avenue, North 26 degrees 00 minutes
East 175 feet from the intersection
of the northwest side of Mace Ave-
nu with the centerline of Townsend
Road and running thence and bind-
ing on the northwest side of Mace
Avenue, North 26 degrees 00 min-
utes East 90.00 feet, thence leaving
said Mace Avenue and binding on
the outlines of the land of the
herein petitioners, the five follow-
ing courses and distances viz: North
64 degrees 00 minutes West 250.00
feet, South 26 degrees 00 minutes
West 40.00 feet, South 64 degrees
00 minutes East 50.00 feet, South
26 degrees 00 minutes West 50.00
feet and South 64 degrees 00 min-
utes East 200.00 feet to the place
of beginning.

Containing 0.46 of an Acre of
land more or less.

Being the property of the petition-
ers herein as described in a deed
dated November 3, 1980 and record-
ed among the Land Records of Bal-
timore County in Liber E.H.K., Jr.
No. 6227 folio 500 which was con-
veyed by Joseph F. Dohler and
Theresa E. Cartor to John G. Con-
nelly Sons Funeral Home.

Being the property of John G.
Connolly, Jr., et al, as shown on
plat plan filed with the Zoning
Department.

Hearing Date: Tuesday, June 22,
1982 at 10:00 A.M.

Public Hearing: Room 218, Court-
house, Towson, Maryland

By Order Of

WILLIAM T. HACKETT,
Chairman
County Board of Appeals
of Baltimore County

June 2.

CERTIFICATE OF PUBLICATION

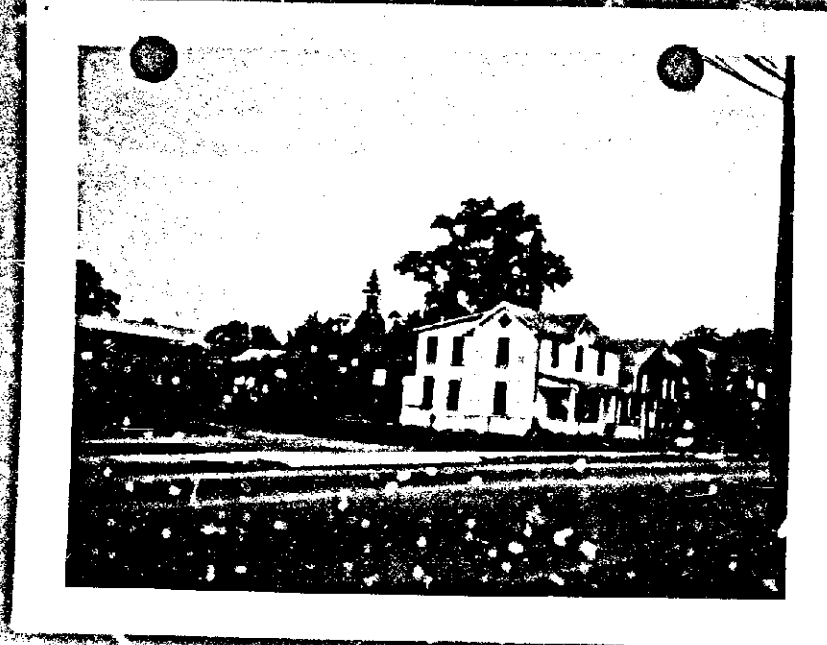
TOWSON, MD., June 3, 1982

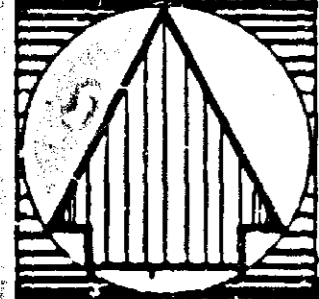
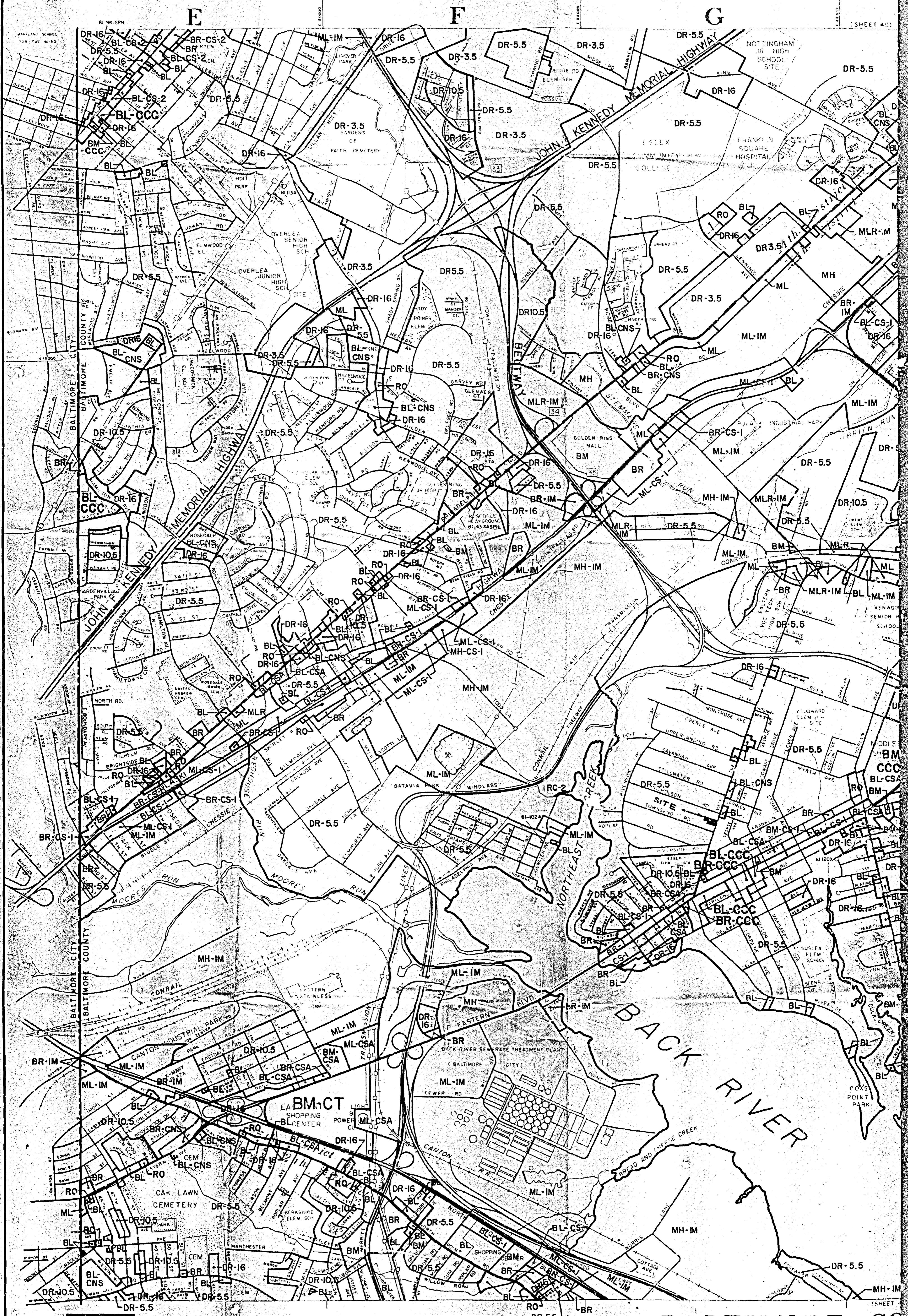
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., ~~one time~~
~~one time~~ ~~successive weeks~~ before the 22nd
day of June, 1982, the ~~first~~ publication
appearing on the 3rd day of June
1982.

THE JEFFERSONIAN

L. Frank Struth
Manager.

Cost of Advertisement, \$-----





0 1000 3000 5000 FEET

RONALD B. HICKERNELL
CHAIRMAN-COUNTY COUNCIL

5000 FEB

1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 14, 1979
BILL NO. 115-80, 136-80,
187-80, 188-80, 189-80 AND 190-80

Thomas W. Lancaster
CHAIRMAN, COUNTY COUNCIL

BALTIMORE CO
OF PLANNING



1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT 14, 1980
BILL NOS. 184-80, 185-80, 186-80,
187-80, 188-80, 189-80 AND 190-80

CHAIRMAN, COUNTY COUNCIL

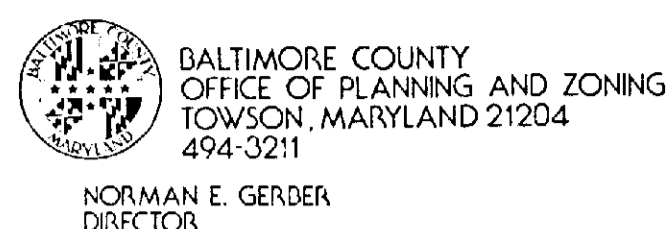
PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA OFFICIAL ZONING MAP

REVISIONS		SCALE
BY	DATE	1" = 200'
		DATE OF PHOTOGRAPHY
		1984

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH

LOCATION
ESSEX
SHEET
NE
2-6

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERDER
DIRECTOR

October 29, 1981

Mr. William Hackett - Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #21, Zoning Cycle II, - 1981, are as follows:

Property Owner: John G. Connelly, Jr., et al
Location: NW/S Mace Avenue 175' E. of Townsend Road
Acres: 0.46
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The subject property is located in a Traffic Level of Service Area controlled by a "D" intersection.

If the petition is granted to R.O., the owner should have to comply with Section 203 of the Baltimore County Zoning Regulations.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW:wh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hackett-Chairman
Board of Appeals
Cc: Nick Commodari
FROM: Charles E. Burnham
SUBJECT: Cycle II - 1981
Item #21 Zoning Advisory Committee Meeting 9-14-81

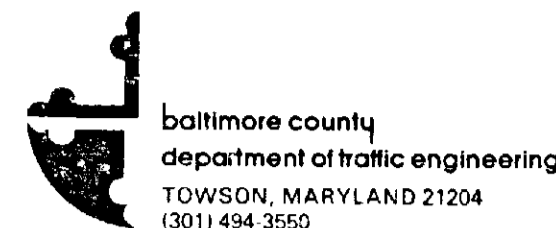
Property Owner: John G. Connelly, Jr. et al
Location: NW/S Mace Avenue 175' E. of Townsend Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 0.46
District: 15th

Any proposed structures and improvements shall comply with the Baltimore County Building Code in force at the time. Compliance to the State of Maryland, regulations 05.01.07 and other applicable codes, rules and regulations shall be required.

Permits shall be secured for any improvement or new uses beyond which currently exist.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrf



STEPHEN E. COLLINS
DIRECTOR

October 8, 1981

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle II - Meeting of September 14, 1981
Item No. 21
Property Owner: John G. Connelly, Jr., et al
Location: NW/S Mace Avenue 175' E. of Townsend Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 0.46
District: 15th.

Dear Mr. Hackett:

The proposed R-O zoning for this site can be expected to generate an additional 120 trips per day.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Associate II

MSF/rlj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204
Date: 9/22/81

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #11 - 1981
Meeting of 9/14/81

RE: Item No: 21
Property Owner: John G. Connelly, Jr., et al
Location: NW/S Mace Avenue 175' E. of Townsend Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: R-O
Acreage: 0.46

School Situation

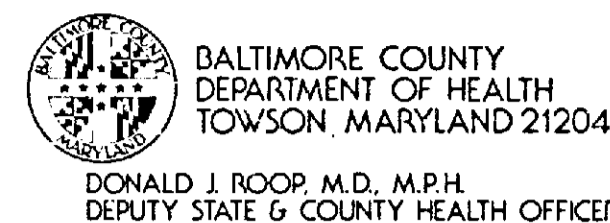
School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Comments: Acreage too small to have an adverse effect on the educational system.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

September 30, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #21, Zoning Advisory Committee Meeting for Cycle II, are as follows:

Property Owner: John G. Connelly, Jr., et al
Location: NW/S Mace Avenue 175' E. of Townsend Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-O
Acres: 0.46
District: 15th

Metropolitan water and sewer exist.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,
Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/mgt

IN THE MATTER OF THE APPLICATION OF JOHN G. CONNELLY, JR., and CHARLES O. CONNELLY, SR. FOR REZONING FROM D.R. 5.5 TO R-O NW/S of Mace Avenue, 175' E. of Townsend Road 15th District

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY No. CR-82-198-SPH (Item #21 - Cycle II)

DISSENTING OPINION

This case comes before the Board on a petition for reclassification from D.R. 5.5 to R-O on property located on the northwest side of Mace Avenue 175 feet east of Townsend Road, in the Fifteenth Election District of Baltimore County.

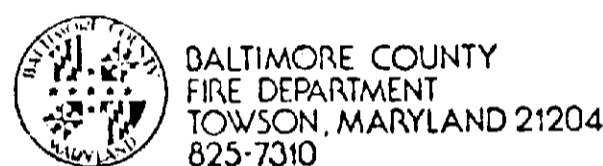
The majority has found that Petitioners' request for reclassification should be granted by reason of substantial neighborhood change. This Board member regrets that she cannot share in this determination.

The Baltimore County Code provides in Section 2.58.1(j) (1) and (2):

(j) Before any property is reclassified pursuant to this section, the Board of Appeals must find:

(1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified or that the last classification of the property was established in error; and

(2) That the prospective reclassification of the property is warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid waste-disposal facilities, schools, recreational facilities, and other public facilities; compatibility of uses generally allowable under the prospective classification with the present and projected development of character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program.



PAUL H. REINCKE
CHIEF

October 9, 1981

Mr. William Hackett
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: John G. Connelly, Jr., et al

Location: NW/S Mace Avenue 175' E. of Townsend Road

Item No.: 21 Zoning Agenda: Meeting of September 14, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Paul H. Reincke* 10/14/81
Planning Group
Special Inspection Division
Noted and Approved: *George M. Wagonet*
Fire Prevention Bureau

JK/mh/cm

John G. Connelly, Jr. and
Charles O. Connelly, Sr.

2.

Although it is undisputed that Petitioners need for additional parking is critical to its business, neither error or substantial neighborhood change has been established pursuant to the provisions set forth above.

Substantial change in the neighborhood has not taken place, as the area surrounding the subject premises is zoned DR 5.5, consistent with the subject property. Photographs of the subject site also reveal that residences surround the proposed parking lot.

Therefore, for the reasons stated above, I most respectfully dissent from the majority opinion of this Board.

Date: July 12, 1983

Joanne L. Suder

IN THE MATTER OF THE APPLICATION OF JOHN G. CONNELLY, JR. AND CHARLES O. CONNELLY, SR. FOR REZONING FROM D.R. 5.5 TO R-O NW/4 OF MACE AVENUE 175' E. OF TOWNSEND ROAD 15th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. CR-82-198-SPH (Item #21 - Cycle II)

OPINION

This case comes before the Board on a petition for reclassification from D.R. 5.5 to R-O on property located on the northwest side of Mace Avenue 175 feet east of Townsend Road, in the Fifteenth Election District of Baltimore County, and a special hearing to permit the use of the property as a parking lot for the funeral home next-door.

On July 12, 1983, this Board issued an Order granting the reclassification petitioned for but neglected to specifically address the proposed use of the property after being reclassified. It was the full intention of the Board, at that time, to grant this specific use of the property as shown on the plat accompanying the petition, and this Opinion and Order is issued to clarify this oversight.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day of December, 1983, by the County Board of Appeals, ORDERED that the use permit for parking, as shown on the specific plat submitted, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Keith S. Franz

IN THE MATTER OF THE APPLICATION OF JOHN G. CONNELLY, JR. and CHARLES O. CONNELLY, SR. FOR REZONING FROM D.R. 5.5 TO R-O NW/4 OF MACE AVENUE 175' E. OF TOWNSEND ROAD 15th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. CR-82-198-SPH (Item #21 - Cycle II)

OPINION

This case comes before the Board on a petition for reclassification from D.R. 5.5 to R-O on property located on the northwest side of Mace Avenue 175 feet east of Townsend Road, in the Fifteenth Election District of Baltimore County.

Specific plats were submitted for the projected use of the property and all other requirements associated with same. The subject property is located next-door to the Connelly Funeral Home and was purchased by the Connelly Funeral Home in 1980 for the purpose of increasing parking spaces. The Connelly Funeral Home has been in existence through three family generations at this same location. As the number of funerals increased the parking space at the existing facility became more and more inadequate and those persons using the funeral home facility were forced to park on adjacent streets, all of which are old narrow residential streets. This situation creates many problems in this neighborhood and is definitely a detriment to the property values and reasonable use of the properties.

In 1980, when the adjacent lot was purchased the zoning regulations permitted Mr. Connelly to use it for parking purposes. However, the occupant of the property had been there for sixty years and requested time for relocation, which Mr. Connelly granted. In this interim the zoning regulations were changed and the parking was no longer permitted without a large transitional zone, leaving Mr. Connelly no recourse except to seek this reclassification. The Board can grant reclassifications only upon evidence of error or change in the neighborhood.

In this case the Board finds that as regards the subject property substantial change in the neighborhood has occurred and to deny relief from the severe parking

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 16, 1982

John F. Sibrea, Esquire
309 Investment Building
Towson, Maryland 21204

Re: Petition for Reclassification
NW/4 of Mace Ave., 175' E of Towson Road
John G. Connelly, Jr., et al - Petitioners
Cycle 2 - Item 21
Case #R-82-198

Dear Mr. Sibrea:

This is to advise you that \$61.84 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEHaj

JOHN G. CONNELLY, JR., ET AL - CR-82-198-SPH

2.

problems occasioned by this change would be arbitrary and capricious by this Board. The Board sees no detrimental effect to the neighborhood by the granting of this reclassification and, in fact, sees only relief from an ever worsening problem. If the R-O classification requested were merely an R-O classification the stigma of spot zoning may be present, but in this case the petition is accompanied by a specific plat that must be complied with.

For all of these reasons the Board is of the opinion that there has been sufficient change in the area to warrant the granting of the requested reclassification and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 12th day of July, 1983, by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Keith S. Franz

CARL L. GERHOLD
PHILIP K. CROSS
JUNIOR F. ETZEL

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

SPENCER
PAUL G. BOLLENBERG
FRED H. BOLLENBERG

August 17, 1981

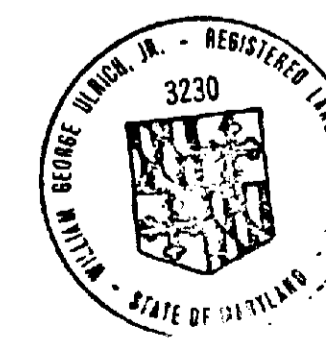
Zoning Description

All that piece or parcel of land situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the northwest side of Mace Avenue at a point measured northeasterly along the northwest side of Mace Avenue, North 26 degrees 00 minutes East 175 feet from the intersection of the northwest side of Mace Avenue with the centerline of Townsend Road and running thence and binding on the north-west side of Mace Avenue, North 26 degrees 00 minutes East 90.00 feet, thence leaving said Mace Avenue and binding on the outlines of the land of the herein petitioners, the five following courses and distances viz: North 64 degrees 00 minutes West 250.00 feet, South 26 degrees 00 minutes West 40.00 feet, South 64 degrees 00 minutes East 50.00 feet, South 26 degrees 00 minutes West 50.00 feet and South 64 degrees 00 minutes East 200.00 feet to the place of beginning.

Containing 0.46 of an Acre of land more or less.

Being the property of the petitioners herein as described in a deed dated November 3, 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6227 folio 500 which was conveyed by Joseph P. Dohler and Theresa E. Cartor to John G. Connelly Sons Funeral Home.



RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
from D.R. 5.5 to R-O Zone :
NW/4 Mace Avenue : OF BALTIMORE COUNTY
175' E of Townsend Rd., :
15th District :

JOHN G. CONNELLY, JR., et al., : Case No. R-82-198 (Item 21, Cycle II)
Petitioners :

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of April, 1982, a copy of the foregoing Order was mailed to John E. Sibrea, Esquire, 309 Investment Building, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession, III

RECEIVED
BALTIMORE COUNTY
APR 5 9 14 AM '82
COUNTY CLERK
BY:



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 22, 1983

John E. Sibrea, Esquire
208 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing in Conjunction
with a Documented Reclassification Petition
NW/4 Mace Ave., 175' E of Townsend Road
John G. Connelly, Jr., et al - Petitioners
Case No. CR-82-198-SPH

Dear Mr. Sibrea:

This is to advise you that \$69.75 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEHaj

P.S. Please note that a bill dated June 16, 1982 in the amount of \$61.84 for the individual advertising and posting fee on the Reclassification Petition has not been paid.

FFB 27

September 30, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #21, Zoning Advisory Committee Meeting for
Cycle II, are as follows:

Property Owner: John G. Connelly, Jr., et al
Location: NW/4 Mace Avenue 175' E. of Townsend Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-0
Acreage: 0.46
District: 15th

Metropolitan water and sewer exist.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/JRP/mgt

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
February 26, 1982

John E. Sibrea, Esquire
309 Investment Building
Towson, Md. 21204

Re: Item #21, Case #R-82-198
Cycle II, John G. Connelly, et al

Dear Mr. Sibrea:

Your case has been assigned for hearing before the Board during the normal cycle period for reclassification petitions. Written and public notice of the date of the hearing has either been given or is in the process of publication.

The Board has been informed that there are presently pending in the Circuit Court for Baltimore County three separate suits, all of which directly question the validity of the adoption of the 1980 comprehensive zoning map by the County Council of Baltimore County. The suits to which we refer are:

Home Builders Assn. of Md., Inc., et al. v. Baltimore
County, Md., et al - Circuit Court Equity #107047

Isaac A. Jones v. Baltimore County, Md., et al -
Circuit Court Equity #106029

Shapco Reisterstown Associates, et al v. Baltimore
County, Md., et al - Circuit Court Equity #107318.

The Board, of course, is not involved in those suits and consequently will not be asked to express any opinion on the enactment question. However, we are concerned that the parties to the pending reclassification cases be made aware that there will probably be a judicial decision on the question sometime in the future, and if the Circuit Court should find that the maps were, in fact, improperly enacted, and that decision is affirmed by an appellate court, the various parties to reclassification cases might then be placed in the position of having expended time and money in the preparation and trial of their cases based on the comprehensive map which legally might not exist. The Board has, therefore, determined that it will afford each of the petitioners in the pending reclassification cases the opportunity to review the pending Circuit Court cases and make their individual determination as to whether they wish to proceed at this time to fully try their reclassification case or whether they would prefer not to take that risk and ask the Board for a continuance of their case without hearing until such time as there has been a definitive ruling by the courts on the question of the validity of the 1980 maps.

Page Two

Since there must be some limit to the period of time within which a decision should be made and communicated to the Board, it has been decided that all requests for postponements made pursuant hereto must be delivered in writing to the Board on or before March 15, 1981.

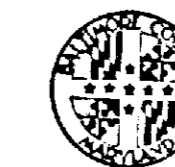
The Board has attached one very important provision to its willingness to co-operate in the granting of postponements for the purpose outlined above, which is that it will not countenance the use of the reasons given above for a postponement for other reasons and, therefore, if a case is postponed for the reason given above it must remain inactive until there is a definitive action from the courts. Therefore, parties are cautioned that if they do, in fact, seek a postponement because of the doubt surrounding the validity of the enactment of the 1980 comprehensive maps, they will be required to wait until there is a decision from the courts on the question before the Board will again assign their case no matter how long the case is suspended.

The purpose of this communication is to alert all parties of record involved of the Board's intention if a request is timely submitted.

Very truly yours,

William T. Hackett, Chairman

WTH:e



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

December 19, 1983

John E. Sibrea, Esquire
208 W. Pennsylvania Ave.
Towson, Maryland 21204

Re: Case No. CR-82-198-SPH
John G. Connelly, Jr. et al

Dear Mr. Sibrea:

Enclosed herewith is a copy of the Opinion and Order passed today, by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: John W. Hessian, Esquire
Mr. A. Jablon
Mrs. J. Jung
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Hoswell
Board of Education



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

January 3, 1983

Mr. William Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Revised plans comments on Item 21, Zoning Advisory
Committee Meeting for Cycle II, are as follows:

Property Owner: John G. Connelly, Jr., et al
Location: NW/4 Mace Avenue 175' E. of Townsend Road
Existing Zoning: D.R. 5.5
Proposed Zoning: R-0
Acreage: 0.46
District: 15th

Metropolitan water and sewer exist; therefore, the proposed parking area should not pose any health hazards.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/eth

494-3180

County Board of Appeals

Room 218, Court House
Towson, Maryland 21204
March 14, 1983

NOTICE OF ASSIGNMENT

FOR FILING OF PLAT ONLY

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. R. 82-198
(Item #21 - Cycle II)

JOHN G. CONNELLY, JR., ET AL

NW/4 of Mace Ave. 175' E. of Townsend Road

15th District

ASSIGNED FOR:

TUESDAY, MARCH 29, 1983 at 9:30 a.m.

TO RECEIVE PLAT ONLY

cc: John E. Sibrea, Esq.
John W. Hessian, III, Esq.

Counsel for Petitioners
People's Counsel

W. E. Hammond

J. E. Dyer

N. E. Gerber

J. G. Hoswell

Board of Education

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Herman E. Gerber, Director
Office of Planning and Zoning
FROM: William T. Hackett, Chairman
County Board of Appeals

Date: March 29, 1983

SUBJECT: Case No. R-82-198 - Item #21 - Cycle II - John G. Connelly, Jr., et al

The hearing on the above entitled case was held as advertised on Tuesday, June 22, 1982 at 10 a.m., at which time the attorney for the Petitioner requested that the case be generally continued as the Petitioner wished to amend his original petition. Therefore, in open hearing on this date, March 29, 1983, the new plat was received by the Board.

In compliance with the provisions of Bill #46-79, we are forwarding the amended material to you for appropriate action.

William T. Hackett, Chairman

Nick Commodari
Office of Zoning
Edith T. Eisenhart
County Board of Appeals

April 27, 1983

Case No. R-82-198 - Item #21 - Cycle II - John G. Connelly, Jr., et al
Amended Zoning Reclassification Petition

In accordance with Mr. Hackett's conversation with you this date regarding the above entitled case, please be advised that the Board is setting this case for hearing on Tuesday, June 28, 1983 at 10 a.m. Therefore, please arrange for the advertising and the posting of this property.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

Edith T. Eisenhart, Adm. Secretary